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CONFIRMATION NO. ATTORNEY DOCKET NO. FIRST NAMED INVENTOR FILING DATE APPLICATION NO. HIG05 001 7372 12/06/2000 Kentaro Nakada 09/729,989 05/09/2003 7590 **DUANE MORRIS LLP EXAMINER** 1667 K STREET, N.W. NATNAEL, PAULOS M **SUITE 700** WASHINGTON, DC 20006 PAPER NUMBER ART UNIT

> 2614 DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner			Application No.	Applicant(s)	
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILLING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILLING DATE OF THIS COMMUNICATION. Exercises of time may be available under the provisions of 3 CFR 1.136(a). In ceremt, however, may a reply be limely filed to the provision of 10 CFR 1.136(b). In ceremt, however, may a reply be limely filed to the provision of the provision of the priod for reply appealed when the the mainting date of this communication of the priod of reply is pecified above. In maximum statulary period will apply and will appear (s) (MoNTH'S from the mainting date of this communication. If the priod for reply is pecified above, the maximum statulary period will apply and will appear (S) (MoNTH'S from the mainting date of this communication. If the priod for reply is pecified above, the maximum statulary period will apply and will appear (S) (MoNTH'S from the mainting date of this communication. If the priod for reply is pecified for reply with by statulary period will apply and will appear (S) (MoNTH'S from the mainting date of this communication. If the priod for reply is pecified to reply with priod and period for reply with by statulary period will apply and will appear the mainting date of this communication. If the priod for reply with priod the period for reply apply and will appear the mainting date of this communication. 1) Responsive to communication(s) filed on	••		09/729,989	NAKADA ET AL.	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of them may be available under the provisions of 37 CFR 1.13(a). In no event, however, may a reply be timely filed after SD (6) MONTHS from the mailing date of this communication. Extensions of them may be available under the provisions of 37 CFR 1.13(a). In no event, however, may a reply be timely filed after SD (6) MONTHS from the mailing date of this communication. Failure to reply subtine the series of the communication. Failure to reply within the action of extended period for reply by all but place and subtrop maintain on become ABANDONED (38 U.S.C. § 135). Any reply received by the ôftica diet then three emorits after the mailing date of this communication, even if threely filed, may reduce any subtract. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits it closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are an accordance with drawn from consideration. 7) The proposed drawing corrected to . 8) Claim(s) is/are allowed. 8) Claim(s) is/are allowed. 10) The drawing(s) filed on is/are: all accepted or bl objected to by the Examiner. Application Papers 9) The proposed drawing correction filed on is/are: all accepted or bl objected to by the Examiner. 10) The proposed drawing correction filed on is/are: all accepted or bl objected to by the Examiner. 11) The proposed drawing correction filed on is/are allowed. 12) All bl Some * c) None of: 12) Certified co		Office Action Summary	Examiner	Art Unit	
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DETAILED ACTION

Drawings

1. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

1. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the claimed "usually in combination to the receiver" renders the claim indefinite, because it is unclear whether the limitation following the phrase is part of the claimed invention.

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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3. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shimakawa et al., U.S. Pat. No. 6,452,644.

Considering Claim 1, Shimakawa disclose the following claimed subject matter, note;
a) the claimed broadcasting a reception screen ... to a receiver by using data
broadcasting band in television broadcasting, and also broadcasting images of one
channel of program and broadcast contents of plural programs used in data broadcast
in the sound broadcasting band usually in combination to the receiver, and, at the
receiver, selecting one desired program from the combined image and sound mixed
signals of plural programs by the program already received, and displaying on the
screen of the receiver and delivering the sound of this screen is met by Fig. 3, which is
a receiver for receiving a data broadcast in the TV data multibroadcast sound subcarrier
system.

Except for;

b) the claimed broadcasting and a program for controlling the sound suited to this screen;

Regarding b), Shimakawa et al. disclose a method of controlling reception in data broadcast receiver. Shimakawa et al. disclose transmitting electronic program guide (EPG) and other programs. Shimakawa et al. do not specifically disclose "controlling the sound suited to this screen". However, Shimakawa disclose "A TV data broadcast system... The system allows data reception by mobile receivers and uses data signal subcarriers 4.5 fH and 7.5 fH (fH=15.73 kHz, the horizontal synchronizing pulse

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frequency) within a sound signal band of a television signal as the transmission path. The terrestrial data broadcast system provides programs such as: Electronic mail service; News, such as, newspapers, magazines, TV programs and others... (col. 1, lines 14-24)

Furthermore, Shimakawa et al. disclose that "reception control information is broadcast which specifies the broadcasting time of specific programs" (col. 3, lines 26-27) "It should further be noted that **the reception control information data itself maybe specified as a program**, the program number identifying the reception control information broadcast." (col. 5, lines 8-13)

Therefore, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Shimakawa by adding a control information program specifically geared towards the sound or audio for the screen, in order to easily and unambiguously control the sound information in the screen and information data that has been transmitted along with the broadcast television signal.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Dinsel, U.S. Pat. No. 5,325,127 discloses a process of transmitting digital data, in particular sound data, in TV channel.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (703) 305-0019. The examiner can normally be reached on 6:30am -3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Paulos Natnael April 29, 2003

Pmi

MICHAEL H. LEE PRIMARY EXAMINER